

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA**

VIZIONWORKS, LLC, a limited)	
liability corporation,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:07-CV-96-MEF
)	
DOYCE W. ELLENBURG, an individual;)	
SHIRLEY F. ELLENBURG, an individual;)	
SUMMIT REALTY SOUTHEAST, LLC,)	
a corporation,)	
)	
Defendants.)	

REPLY TO INTERPLEADER COUNTERCLAIM

COMES NOW the Plaintiff, VIZIONWORKS, LLC (Vizionworks), and hereby submits its Reply to the Interpleader Counterclaim filed by Defendant SUMMIT REALTY SOUTHEAST (SRS) and states as follows:

1. Vizionworks admits that on May 25, 2006, it entered into a Purchase and Sale Agreement (the Agreement) with Doyce W. and Shirley F. Ellenburg (the Ellenburgs) for the purchase of the property made the basis of this lawsuit.

2. Vizionworks further admits that it deposited \$200,000.00 in earnest money with SRS, and that following an investigation of the subject property during the due diligence period provided for in the Agreement, it informed SRS and the Ellenburgs that it was exercising its right to cancel the Agreement and that it wanted the return of the earnest money.

3. Vizionworks admits that the Ellenburgs have also made a demand for the subject earnest money.

4. Vizionworks is without sufficient information to admit or deny the remaining averments of the Interpleader Counterclaim; however, Vizionworks has no objection to the Interpleader action. Vizionworks requests that SRS be allowed to deposit the \$200,000.00 earnest money with the Clerk of the Court so that this Court may adjudge whether Vizionworks or the Ellenburgs is entitled to said earnest money.

Respectfully Submitted

s/L. Graves Stiff, III.

L. Graves Stiff, III.

Bar Number: ASB-0693-S70L

W. Drake Blackmon

Bar Number: ASB-1566-W86B

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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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